GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur now under suspension - Certain allegations of mis-appropriation of Government Funds by payment of excess amounts more than M.R.P rates on oil packets to M/s. Aditya Traders, Guntur – Disciplinary Proceedings initiated under Rule – 20 of A.P.C.S. (CC & A) Rules, 1991 - Articles of Charges - Issued.

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DEPT. FOR WOMEN, CHILDREN, DIFFERENTLY ABLED AND SENIOR CITIZENS (ESTT-A3)

G.O.RT.No. 43 Dated: 23-05-2017

Read the following:-

1. Collector and District Magistrate, Guntur Lr.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016.
2. Regional Joint Director, W.D. & C.W. Dept., Ongole, Lr.Rc.No.402/A/2015, dt.24.08.2016.

& & &

ORDER:-

It is proposed to hold an enquiry against Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur now under suspension in accordance with the procedure laid down under Rule-20 of Andhra Pradesh Civil Services (CC & A), Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure III & IV).

3. Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, is directed to submit within 10 days of the receipt of this order, a Written Statement of her defense.

4. Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, is informed that an inquiry will be held only in respect of those articles of charges, which are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, is further informed that if she does not submit her written statement of defense on or before the date specified in para-3 above, or otherwise fails or refuses to comply with the provision of Rule - 20 of A.P.C.S (CC & A) Rules, 1991 or the directions issued in pursuance of said rules, the inquiry authority may hold an inquiry against her ex-parte and further action will be processed based on the material available.

6. Attention of Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, is invited to Rule - 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Smt.M.J.Nirmala, former Project Director, DW&CDA, Guntur, is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule - 24 of the A.P.C.S. (Conduct) Rules, 1964.

7. The receipt of the Memorandum along with the copies of the basis of charge be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Smt.APARNA UPADHYAYULA
SECRETARY TO GOVERNMENT.

To
Ms.M.J.Nirmala, former Project Director, D.W. & C.D.A., Guntur through the Spl.Commissioner, WD & CW, A.P., Guntur.
The Spl. Commissioner, WD & CW, A.P., Guntur, with a request to return the served copy with dated acknowledgement.
Copy to: -
The Regional Deputy Director, W.D & C.W., Ongole.
SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-I

Statement of articles of charges framed against Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur (u/s).

Article – 1: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority deliberately not verified the bills produced by M/s Aditya Traders, Guntur, which had no serial number and put number by pen, worth Rs.75,48,066/- for the month of February, 2015 and Rs.1,20,23,241/- for the month of March, 2015 billing procedure towards supply of Palmolive oil to ICDS Projects in Guntur District. Thus, caused financial loss to the State's Exchequer by payment of excess amounts to a tune of Rs.14,66,645/-. Thus, she has violated Rule - 3 of A.P.C.S (Conduct) Rules, 1964. Hence the charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Article – 2: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority had given scope to the supplier viz. M/s Adithya Traders, Guntur, to deceive the Government by printing the M.R.P of Rs.71-00 instead of Rs.67-00 on the oil packets and prepared the bills with excess amounts and presented in the O/o P.D., D.W & C.D.A., Guntur, without attestation / signature and other entries of the concerned C.D.P.Os. She has failed to instruct the concerned C.D.P.Os and Assistant Project Director, D.W & C.D.A., Guntur (D.D.O) to verify the bills and not made random verification of the said bills, which shows negligence on her part towards her legitimate duties, as the payment of bills was being made through the O/o Project Director, D.W & C.D.A., Guntur. Hence, it is the prime responsibility of Project Director, D.W & C.D.A., Guntur, to scrutinize the bills properly and thus, she has violated Rule - 3 of A.P.C.S Conduct Rules, 1964. Hence the Charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Article – 3: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority, intentionally has not taken any steps for securing the rates of APOILFED for comparison with the rates of the supplier from the inception i.e. tender finalization and for verification of the original bill of the firm obtained at the time of purchase which has given scope to the supplier to deceive the Government by claiming excess amount as per MRP printed on oil packets. Thus, she colluded with the supplier and caused financial loss to the State's Exchequer by excess payment and thereby violated the Rule-3 of conduct Rules, 1964. Hence the charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Article – 4: That, Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority has failed to notice the correction of the amounts made on the oil bills prepared by M/s. Aditya Traders, Guntur, for the month of 2/2015 for Rs.75,50,278/- as Rs.75,48,066/-; for the month of 3/2015, the bill for Rs.1,20,24,922/- as Rs.1,20,23,241/- without writing in words and without signatures in stock entries, which is a serious lapse on the part of the district administration, while sanction of lakhs of Government funds for payment of bills without proper documentation. There is a procedural irregularity in drawal of Government funds towards payment of the bills, which shows gross negligence on her part towards her legitimate duties and thus, violated Rule - 3 of APCS conduct Rules, 1964. Hence the charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Article – 5: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority willfully not verified the basic rate of M.R.P. as evidence before issue of proceedings for drawl of Government funds for payment of bills and also confirmation of M.R.P as per batch Nos. of the product at the time of issue of proceedings. Hence, she is held responsible for excess payment made to M/s. Aditya Traders, Guntur, towards supply of oil packets to the ICDS Centers in Guntur, without verification and following the minimum procedure in vogue. Hence, the charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Article – 6: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority willfully violated the instructions issued in Circular M.No.1342/J3/2013 dt.15.06.2013, for supplying of red gram dal in packed form of 1kg labled as “ICDS supply not for sale”; no indent is placed for supplying of red gram dal in 1 kg packet; verify the bills of red gram dal at the time of presenting the bills as there is no stock entries at the levels of ICDS Projects and O/o Project Director, D.W & C.D.A, Guntur and also there are no signatures of CDPOs who received the stocks, which shows her gross negligence towards her legitimate duties and thus violated Rule - 3 of A.P.C.S (Conduct) Rules, 1964. Hence the charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Article – 7: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, had failed to brought to the notice of the competent authority about the financial irregularities, which had committed by the Asst. Project Director / C.D.P.Os / Ministerial Staff, even though she had already noticed, which shows her gross negligence towards her legitimate duties and thus violated Rule - 3 of APCS (Conduct) Rules, 1964. Hence the charge.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Smt.APARNA UPADHYAYULA
SECRETARY TO GOVERNMENT.

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SECTION OFFICER

ANNEXURE-II

Statement of imputations of misconduct and misbehavior in support of the article of charges framed against Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur (u/s).

Article – 1: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being the sanctioning authority, had willfully not verified the bills produced by M/s. Aditya Traders, Guntur, worth of Rs.75,48,066/- for the month of 2/15 and Rs.1,20,23,241/- for the month of 3/15 towards supplying of Palmolive oil to ICDS Projects in Guntur District. There is no serial number on the bills and put number by pen, which is incorrect billing procedure. Being the sanctioning authority, she failed to verify the bills produced by M/s. Aditya Traders, Guntur, and thereby caused financial loss to the State's Exchequer by payment of an excess amount of Rs.14,66,645/- (Rs 4,20,035/- for 2/15 and Rs 6,42,987 for 3/15 and Rs 4,03,623/- for the month of 4/15, 5/2015 and 7/15). Thus, she has violated Rule - 3 of APCS (Conduct) Rules, 1964. Hence the charge.

Article – 2: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being the sanctioning authority had willfully given scope to M/s. Adithya Traders, Guntur, to deceive the Government by printing the M.R.P. Rs.71-00 on the oil packets instead of Rs.67-00 and also prepared the bills by showing excess amount and presented before the O/o P.D., D.W & C.D.A., Guntur, without signature of the competent authority and without making relevant entries of C.D.P.Os concerned. She also failed to instruct the concerned C.D.P.Os and Asst. Project Director (Drawing and Disbursing Officer) to verify the bills and being the sanctioning authority, she has not made random verification of bills which shows negligence on her part towards her legitimate duties. The payment of bills is being made through the O/o P.D., D.W & C.D.A., Guntur. Hence, it is the prime responsibility of P.D., D.W & C.D.A., Guntur, to scrutinize the bills properly. Thus, she has violated Rule - 3 of APCS (Conduct) Rules, 1964. Hence the Charge.

Article – 3: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being sanctioning authority not taken any steps willfully for securing the rates of APOILED for comparison of the rates of the supplier from the inception i.e tender finalization and for verification of the original bill of the firm obtained at the time of purchase which has given scope to the supplier to deceive the Government by claiming excess amount as per MRP printed on oil packets. Thus, she colluded with the supplier and caused financial loss to the State's Exchequer by payment of excess amount to the oil suppliers and thereby violated Rule - 3 of A.P.C.S (Conduct) Rules, 1964. Hence the charge.

Article – 4: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being the sanctioning authority had not taken into consideration of the corrections made in the figure of amounts mentioned in the oil bills by M/s. Aditya Traders, Guntur, for the month of 2/2015 for Rs.75,50,278/- as Rs.75,48,066/- and for the month of 3/2015 the bill for Rs.1,20,24,922/- as Rs.1,20,23,241/- and not writing in words without signatures of the competent authority in stock entries. There is a lapse on the part of the district administration for sanction of lakhs of rupees to the suppliers for supplying of oil to the ICDS Centers in Guntur District, without proper / valid documentation. There is a procedural irregularity on her part in drawl and payment of the bills which shows her gross negligence towards her legitimate duties and thus violated Rule - 3 of APCS (Conduct) Rules, 1964. Hence the charge.

Article – 5: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur being the sanctioning authority had willfully not verified the basic rate of M.R.P. as evidence, before issue of proceedings for drawl of bills and confirmation of M.R.P as per batch nos. of the product at the time of issue of proceedings and hence she is responsible for making of excess payment of amount to the suppliers for supplying of oil to the ICDS Centers in Guntur District, without following the minimum procedure in vougue and verification

Article – 6: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being the sanctioning authority had willfully neglected to follow the instructions issued vide Circular M.No.1342/J3/2013 dt.15.06.2013 for supplying of red gram dal in packed form of 1kg labled as “ICDS supply not for sale” and no indent is placed for supplying of red gram dal in 1 kg packet and also not verified the bills of Red gram dal at the time of presenting the bills as there is no stock entries at ICDS Project level or O/o Project Director, DW & CDA, Guntur level, There are no signatures of CDPOs, who were received the stocks, which shows gross negligence on her part, towards her legitimate duties and thus violated Rule - 3 of A.P.C.S (Conduct) Rules, 1964. Hence the charge.

Article – 7: That Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur, being the regional – head, had failed to brought to the notice of the competent higher authority about all the above financial irregularities said to have been committed by the Assistant Project Director, D.W & C.D.A. / C.D.P.Os and other Ministerial Staff, even though she had well aware of the said facts, which shows her gross negligence shown towards her legitimate duties and thus violated Rule - 3 of A.P.C.S (Conduct) Rules, 1964. Hence, the charge.

Smt.APARNA UPADHYAYULA
SECRETARY TO GOVERNMENT.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-III

List of documents by which the articles of charges framed against Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur (u/s) are proposed to be sustained.

Basis:- 1.Rc.No.5282/2015-L1, dt.13.03.2016 and 21.05.2016, of the District Collector, Guntur
2. Rc.No.402/A/2015, dt.24.08.2016, of the R.J.D., W.D. & C.W., Ongole.

Smt.APARNA UPADHYAYULA
SECRETARY TO GOVERNMENT.

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ANNEXURE-IV

List of witnesses by whom the articles of charges framed against Ms.M.J.Nirmala, former Project Director, D.W & C.D.A., Guntur (u/s) are proposed to be sustained.

-: Nil :-

Smt.APARNA UPADHYAYULA
SECRETARY TO GOVERNMENT.

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